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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/592,598	06/12/2000	Richard Humpleman	SAM1.0065	7055

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EXAMINER

TRAN, MYLINH T

ART UNIT	PAPER NUMBER
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2179

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/592,598

Applicant(s)

HUMPLEMAN ET AL.

Examiner

Mylinh Tran

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-14,17-27 and 30-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-14, 17-27 and 30-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Applicant's Amendment filed 11/13/06 has been entered and carefully considered. Claims 1, 7- 8, 14, 25, 27, 38 and 40-44 have been amended. However, the limitations of the amended claims have not been found to be patentable over prior art of record, therefore, claims 1, 4-14, 17-27 and 30-44 remain rejected under the same ground of rejection as set forth in the Office Action mailed 08/10/06.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321 (c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 4-14, 17-27 and 30-44 of instant Application No. 09/592,598 (hereafter '598) are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6, 8-15, 17-25, 27 and 28 of copending Application No. 09/592,599 (hereafter '599). Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant application claims system, method, and software product for providing a user interface for controlling devices that are currently connected to a network.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 6-14, 19-27 and 32-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Young (US 6,133,847).

As per independent claims 1, 14, 27 and 41, Yang teaches a computer implemented method and corresponding system for providing a user interface for controlling devices that are currently connected to a network comprising the steps/means:

obtaining device information from devices currently connected to the network (col. 8, lines 10-14);

generating a user interface based at least on the obtained information (col. 8, lines 14-17), the user interface including one or more reference associated with the device information in one or more of said devices currently connected to the network (col. 8, lines 14-24);

displaying said user interface on one or more devices connected to the network capable of displaying a user interface, for user control of said devices that are currently connected to the network; and

in response to selection of a reference associated with a device from the user interface, using the selected reference to access the selected device and access the information in the selected device to display a control user interface using the accessed device information of the selected device for a user interaction with the selected device (column 8, lines 49-67).

As per claims 6, 19 and 32, Yang teaches further comprising the steps of:

connecting at least one client device to the network capable of displaying a user interface (e.g., device 100 of fig. 5); and displaying a user

interface on the client device, for controlling devices that are currently connected to the network (col. 8, lines 14-24).

As per claims 7, 20 and 33, Yang teaches the device information in each device further includes a user control interface description for user interaction with the device (control software, col. 8, lines 18-24); and step of in response to selection of the reference further includes the steps of upon detecting user selection of a device from the user interface, using the corresponding reference for accessing and obtaining the user control interface description in the corresponding device and then displaying the obtained user control interface description for user command and control of the device (col. 8, lines 18-24);

further includes the steps of upon detecting user selection of a device from the user interface, using the associated reference to access the selected device and obtain the user control interface description in the selected device, and then displaying the obtained user control interface description for user command and control of the selected of the selected device.

As per claims 8, 21 and 34, Yang teaches the step of generating a user interface description further includes the steps of generating each user interface such that the reference in that user interface description provides access to at least the information in each associated device (col. 8, lines 14-24).

As per claims 9, 22 and 35, Yang teaches the step of generating a user interface further includes the steps of generating each user interface such that the user interface description further includes device data corresponding to each device based on the information obtained from each device (col. 8, lines 14-24).

As per claims 10, 23 and 36, Yang teaches the device information in each device includes device identification information (col. 5, lines 41-46).

As per claims 11, 24 and 37, Yang teaches the device information in each device includes a user control interface description for user interaction with the device (col. 4, lines 6-14).

As per claims 12, 25 and 38, Yang teaches step of generating a user interface further includes the steps of generating each user interface such that each reference in that user interface is to at least the user control interface description in each corresponding device (col. 8, lines 14-24); and

step of in response to selection of the reference further includes the steps of upon detecting user selection of a device from one of said user interfaces, accessing and then displaying the control interface description in the corresponding device for user command and control of the device (col. 8, lines 14-24).

As per claim 13, 26 and 39, Yang teaches the step of generating a user interface further includes the steps of generating each user interface wherein that user interface further includes device data corresponding to

each device based on the information obtained from each device, the device data providing reference to the user control interface description in each device (col. 4, lines 6-14 and col. 8, lines 14-24).

As per claims 40, 43 and 44, Yang teaches the step of displaying the control interface comprises the steps of:

accessing said device in response to the selection of the reference associated with the selected device, and accessing the device information contained in the selected device (col. 8, lines 14-24);

generating the control user interface including the device data corresponding to said device using the accessed information; and displaying the control user interface on one or more devices connected to the network capable of displaying a user interface (e.g., col. 6, lines 21-34).

As per claim 42, Yang teaches the step of displaying the control interface comprises the steps of:

obtaining the associated information of said device in response to the selection of the reference (col. 8, lines 14-24);

generating the control interface including the device data corresponding to said device using the associated information; and displaying the control interface (e.g., col. 6, lines 21-34).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5, 17, 18, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang.

As per claims 4 and 5, which are all dependent on claim 1, Yang does not disclose the information in each device comprises an HTML page contained in that device, and the step of displaying the user interface further comprises the steps of displaying the user interface on a browser on said one or more devices capable of displaying a user interface. It would have been obvious that using hyper-text link HTML technology to implement top page graphical user interface and applying HTML link to link a selected device icon to another HTML page to display further functional control panel for controlling that particular device would have been obvious to one of ordinary skill in the art. It would have been obvious to an artisan at the time of the invention to include hyper-text link HTML pages define sets of user interface functions for multiple devices, connected to a network, that enable user interaction and control of those devices in Yang's method since hyper-text link HTML pages would allow the devices to be remotely controlled from the Internet via HTTP protocol.

As per claims 17 and 30, they are similar in scope to claim 4; therefore, they should be rejected under similar rationale.

As per claims 18 and 31, they are similar in scope to claim 5; therefore, they should be rejected under similar rationale.

Response to Arguments

Applicant's arguments filed 10/14/2005 have been fully considered but they are not persuasive.

Applicant argued the following:

(a) Yang does not disclose "obtaining device information from devices for generating a user interface based at least on the obtained information including references to device and in response to selection of the reference, using the reference to access the device information in the corresponding device and display a control interface including device data using the accessed device information of said device corresponding to the reference in the user interface". In Yang, the remote 100 accesses the memory 120 in the remote 100 itself, not the appliances.

(b) Yang does not disclose the user interface description includes at least one electronic link providing direct access from the top page user interface description to at least the user control interface description contained in each corresponding device, for user interaction with that device, currently connected to the network.

(c) Yang does not disclose when a link in the user interface description is user selected, the control interface description in the corresponding device is

accessed using the selected link to obtain device information and generate a device user interface for user interaction with that corresponding device.

(d) With respect to claims 6, 19, and 32, the device 100 is the remote control itself which is not a client device capable of displaying a user interface is connect to the network.

(e) With respect to claims 10, 23, and 36, Yang does not disclose the device information in each device includes device identification information.

(f) With respect to rejection of claims 4, 5, 17, 18, 30 and 31, Yang does not disclose links for direct access to control programs in appliances. As such, there is no reason or motivation to include HTML pages in appliances for access (e.g., via hyper-text links).

The Examiner disagrees for the following reasons:

(a) First, the examiner agrees on this point that in Yang, the remote 100 accesses the memory 120 in the remote 100 itself, not the appliances. However, in the applicant's system still needs a memory or a cache to store the information of the devices. In order to access the device and device information in the device to generate a control interface for user interaction, the applicant's system must have a storage device such as a memory of a cache to store the device information. Similar to the applicant's system, Yang's system teaches a remote control memory to store the information which is disclosed at column 8, lines 19-24 "the selection of the icon would

provide a control signal to the functions interface and the functions interface would then access the control software for that appliance from memory and configure the user interface function control panel so that it would be configured to control the appliance selected." In the applicant's system, the user interface must have a cache to store information of each device in order to generate references associated with the device information in the device. Therefore, a user will not be able to direct access to the selected device without passing a storage device. In the applicant's system, in order to fulfill the step of generating the user interface including the references based on the obtained information, the system has to store the obtained information in somewhere in order to generate the user interface and references based on the obtained information. Without the storage device such as a cache or a memory, the system could not be able to generate the user interface based on the obtain information of the appliances. Therefore, similar to the applicant's system, in Yang's system, the obtained information is stored in the remote control memory to generate the icons that are references.

Second, the Yang's system in concept is not different from the claimed invention nor the result has any differences at all. From the technical point of view, the appliances can be controlled by the user interface from in the

appliance or by a remote controller which achieved the same results and the same concept.

Based on the argument on page 19, the applicant's system discloses the user selecting a reference in the user interface, the remote control 100 accessed the corresponding appliance and accesses the corresponding control program from that appliance to generate a control interface. It is not clear to the examiner the task of the user interface in the applicant's system.

The user interface is generated based on the appliance information. It is more reasonable that the information is stored in the user interface for the user got that information when needed. However, when the user wants to control a device, the user selects a reference and the remote control 100 accessed the corresponding appliance and accesses the corresponding control program from that appliance. To the examiner, the user interface has not task between the user and the appliances.

Also, the claimed language itself "in response to selection of the reference, using the reference to access the device information in the corresponding device" is not specific and clear enough to describe the present invention that a method and system of "generating a user interface in a plurality of multiple devices connected to the network system for controlling devices that are currently connected to a network". The Applicant does not specify the invention in the claimed language. The applicant does not recite the system

generates a control user interface from the appliances without accessing the memory of the remote control.

The claimed language itself is a broad term. It is not clearly enough to describe the original specification.

During patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

(b) According to Yang, the remote control, that uses to control the controlled devices currently connected to the network, does not contain the user control interface description of each corresponding controlled device. The user control interface description of each corresponding controlled device, that allows user interaction with that device, is contained within the corresponding controlled device and is download to the remote control device and stores in the memory (e.g., col. 4, lines 32-38). The user interface description (as explained in item (a) above) does include at least one electronic link (the

user would ***select the icon that represents the particular appliance***; col. 8, lines 18-19) providing direct access from the user interface description to at least the user control interface description contained in each corresponding device, which has been downloaded to the memory of the remote control (***the selection of the icon*** would provide a control signal to the function interface and the functions interface would ***then access the control software for that appliance from memory so that it would be configured to control the appliance selected***; col. 8, lines 19-24). It is also further notice that selection on the icon, represents the particular appliance, that leads to accessing the control software for that appliance from memory is, in fact, "linking" to the control software for that appliance from the memory.

(c) Yang does teach when a link in the top page user interface description is user selected (e.g., the user would ***select the icon that represents the particular appliance***; col. 8, lines 18-19), the control interface description in the corresponding device is accessed using the activated link to obtain device information and generate a device user interface for user interaction with that corresponding device (***the selection of the icon*** would provide a control signal to the function interface and the functions interface would ***then access the control software for that appliance from memory so that it would be configured to control the appliance selected***; col. 8, lines 19-24).

(d) According to Yang's teaching at column 8, lines 10-25 and figure 5, remote control 100 as well as the devices 510, 620, 530 and 540 are connected to a network server 500 and they are all client devices received services from the server 500. Furthermore, the remote control 500 is capable of displaying a user interface 140.

(e) Yang clearly teaches, at column 5, lines 40-47, TV 220 includes an interface control signal (device information) which contains "**information that uniquely identifies the particular appliance**". Therefore, Yang clearly teaches the device information in each device includes device identification information.

(f) Yang does teach Yang links for direct access to control programs in appliances as explained in (b) and (c) above. Using HTML technology to implement top page graphical user interface, that includes top level icons representing controlled appliances, and applying HTML link to link a selected device icon to another HTML page to display further functional control panel for controlling that particular device would have been obvious to one of ordinary skill in the art. Therefore, it would have been obvious to an artisan at the time of the invention to include hyper-text link HTML pages define sets of user interface functions for multiple devices, connected to a network, that enable user interaction and control of those devices in Yang's method since hyper-text link HTML pages would allow the devices to be remotely controlled from the Internet via HTTP protocol.

Applicant reverses the official notice on claims 4-5, 17-18 and 30-31, the Examiner provides Hayes that teaches the information in each device comprising an HTML page contained in that device (see [0022]). It would have been obvious to an artisan at the time of the invention to include hyper-text link HTML pages define sets of user interface functions for multiple devices, connected to a network, that enable user interaction and control of those devices in Yang's method since hyper-text link HTML pages would allow the devices to be remotely controlled from the Internet via HTTP protocol.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mylinh Tran

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BA HUYNH
PRIMARY EXAMINER

